

**Notice of Allowability**

Application No.

09/993,664

Applicant(s)

KRAFT ET AL.

Examiner

Walter F. Briney III

Art Unit

2646

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 27 June 2005 after a Final Rejection.
2. ☒ The allowed claim(s) is/are 20,22-25,27-34 and 36-38.
3. ☒ The drawings filed on 27 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

1. **Claims 20, 22-25, 27-34 and 36-38 are allowed.**

**Claim 20** is limited to *a method of distorting an acoustic signal*. As shown in the Final Rejection filed 26 April 2005, Freedland makes obvious selectively distorting the acoustic signal...in accordance with a distortion profile...during a call. Freedland also makes obvious selecting a distortion profile from a phonebook, where the phonebook is generically considered a data structure. However, by indicating that contacts (i.e. *each person in a phonebook*) in the phonebook are associated with user selectable distortion profiles is not clearly anticipated nor made obvious by the cited prior art. Freedland generically recites allowing the selection of a distortion profile, and while Bottoms, the secondary reference, provides a switch designed specifically for implementing distortion profile selection, neither suggest associating distortion profiles with each person in a phonebook. Thus, claim 20 as amended to include the limitations of claim 26 is allowable over Freedland in view of Bottoms.

**Claims 22-25 and 27-29** are dependent on claim 20, and are allowable over Freedland in view of Bottoms for at least the same reasons.

**Claim 30** is limited to *a mobile communication terminal*. As shown in the Final Rejection filed 26 April 2005, Freedland makes obvious an *input and output interfaces*, means for *distorting an acoustic signal...in accordance with a distortion profile*, a *user interface for selecting distortion profiles*, and *means for distorting*. However, like claim

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20, there is no disclosure, teaching or suggestion to select a *distortion profile for each person in the phonebook of the communication terminal*. Likewise, neither Freedland nor Bottoms makes obvious all limitations of the claim. Thus, claim 30 as amended to include the limitations of claim 35 is allowable over Freedland in view of Bottoms.

**Claims 31-34 and 36-38** are dependent on claim 30, and are allowable over Freedland in view of Bottoms for at least the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**

WFB  
7/8/05